

JUDGE GAYNOR TO THE PUBLIC

NEW ERA IN CITY GOVERNMENT AT HAND, HE SAYS.

Oppression and Illegal Acts to Cease
—City to Be Ruled by Law and Not by Men—The Defamers of the City Must Stop Their Slanders, He Declares

Justice Gaynor was at an uptown hotel last night and when he was assured of the Democratic nomination for Mayor he dictated this statement to the public:

I am fortunate to get a regular nomination as well as a citizens' nomination by petition, for the expense of running the campaign would have been beyond my means. I had thought to pass my life in my present exalted office, but man proposes and God disposes, and I am content.

I must now resign in order to be eligible under the Constitution to receive votes for Mayor. I hope I shall never regret it, for I am setting store from a sense of duty. I have not asked for a nomination, and it comes to me without even a suggestion of any pledge, understanding or condition whatever.

I know the people of New York and they know me. I feel that I do not need to say a word to them. They know that the hour has struck. They know that in the slow ripening of time, by the work of our churches and of our schools and colleges of all kinds and of all our influences for good, especially upon our children as the years go by, we have reached the end of an old, and the beginning of a new era in the government of this great city, which should be an object lesson for good instead of a bad example to the cities of the world.

Calamitous and annoying interference, oppression, lawless force and violence, lawless arrests and imprisonments without any charge of criminal offense, lawless trespasses and encroachments, dishonesty and corruption are doomed in the government of the city of New York. No free people will submit to being governed in an ignorant, lawless and corrupt manner by those they put in rulership over themselves unless that time of decay has arrived when they are no longer fit for their liberties or for free government.

Our is a government of laws and not of men. It is being turned here and elsewhere into a government of men and not of laws. That is the danger to the city of New York and to the community to act under and administer the laws just as they are, and not to do as they please or set themselves up as superior to or better than the laws.

Any one who imagines himself to be good and virtuous who can rule as he sees fit without regard to the laws which limit and regulate his powers and conduct is a dangerous character. The vice of arbitrary power is a greater menace to our blessed liberty and to the rights of the people than any other vice. It is more and more to be dreaded than all the other vices combined. All of the other vices follow in its wake and especially the detestable vices of official extortion and blackmail.

The good man in office who is tempted to exercise arbitrary power should always remember that he is setting an example which will be followed by his bad successor. Like-wise the slanderers and knockers against the city's morality and its officials are doing and credit to be now made to shut up. There is not a more decorous and orderly city in the world, as every one who has traveled knows, nor one whose bonds and restraints are more safe and sound, and yet a few sensationalists and scoundrel persons in and out of office, some of them in that most unhappy of all conditions, namely, not quite mad enough for bedlam and yet not quite sane enough to be at large, have with the aid of a few reckless newspapers spread a notion abroad throughout this country and Europe that we are debauched by vice and financially bankrupt.

And I say unto the splendid and unselfish public virtue, intelligence and integrity of the city, without regard to national party names or politics, which I so well know, and which has worked so long without break or failure to destroy and prevent official wrongdoing and to lift government up and make it intelligent and decent—I say unto you all that after the first of January next we fight on the inside and not from the outside as we have so long done.

I am conscious of many defects and shortcomings, but do hope that my life has been sufficiently studious, laborious and experienced, especially in matters of government, to make me ready. The government of New York city is a high and complex legal machine, with all sorts of necessary limitations and checks, and even the most fit could not enter upon it without misgivings and anxiety. It is not like a private business, in which one may do as he pleases, and every one who has ever gone into the office of Mayor with that crude notion has signally failed. The result has always been disorder and corruption, however honest the man.

You can no more run the Government of this great city than you can do any other difficult thing without having first learned how by study and experience. The next four years of my life are dedicated to this work. I confidently hope for the patience, good will and help of truthful and decent newspapers. The less said about the other kind the better. I hope those who read them will grow less instead of more.

For now these many years, in season and out of season, ever the persistence of Cato calling for the destruction of Carthage. I have taught that national and State politics and issues have nothing to do with city elections, and from that view I do not now abate so much as a jot or a tittle.

We must have parties, but after city nominations are made by them no national or State issue, no question of high or low tariff or of how to deal with the Philippines, for instance, should influence any fair and sane mind as to how to vote. National and State measures for national elections; State men and measures for State elections; city men and measures for city elections.

And now I enter upon the canvass, first extending my arms and good will to my distinguished opponent.

TO NOTIFY FUSION NOMINEES.

Barnard, Frederick and Mitchell to Be Told To-day That They're Nominated.

Otto T. Barnard, the Republican candidate for Mayor, and William A. Frederick and John Purroy Mitchell, the nominees for Comptroller and President of the Board of Aldermen, will be formally notified of their nomination at 11 o'clock this morning at the home of Mr. Barnard, 30 East Fifty-eighth street. In accepting his nomination Mr. Barnard will also announce that a campaign committee will be made up which will be thoroughly non-partisan and will include representatives of all the political elements which are seeking to defeat Tammany.

"I think that the work of such a committee," Mr. Barnard said yesterday, "will be very effective and will help to carry out the letter of the plan laid out for the forming of the fusion movement."

Justice Chester Renominated.

ALBANY, Sept. 30.—The Republican convention for the Third Judicial district held to-day renominated Justice Alden Chester of this city for another term on the Supreme Court bench. Justice Chester's nomination will probably be endorsed by every party in the city. He is serving by designation of the Governor in the Appellate Division, third department.

Synagogue Direct Primary League Names a Ticket.

STRUCTURE, Sept. 30.—The Hughes Direct Primary League to-day nominated J. Brewer Gere for Mayor and placed in nomination a complete city and county ticket.

WHY BRYAN WON'T DEBATE.

Doesn't Want Dispute With Bailey to Hamper Democratic Chance.

LINCOLN, Neb., Sept. 30.—William J. Bryan to-day gave out the letter he had written to Clark Howell of Atlanta, supplementing his telegram on the subject of the proposed joint debate between Mr. Bryan and Senator Bailey of Texas. He says:

"My dear Mr. Howell: I wired you last night that I would communicate with you by letter my reasons for believing a debate inadvisable. When a joint meeting was suggested at El Paso, Tex., I replied to the effect that I am trying to aid in the election of a Democratic majority in the next Congress; that to that end I have suggested a brief but specific tariff plank which I asked Democratic candidates to accept, reject, or amend, and that believing the word would tend to turn attention from the issue to individuals, I would not consider the proposition unless it came as a personal request. I might add that the word would tend to debate between two Democrats would accentuate the tariff differences that have embarrassed our party in Congress and give the Republican newspapers a field to dwell upon Democratic dissensions instead of devoting their time to the contest now being waged between the progressive Republicans and the standpatters."

"A debate might be pleasing to the participants and entertaining to the audience, but I think that the subject which I am endeavoring to present is worthy of calm and serious consideration."

M'ANENY NOMINATED.

Republicans Complete Fusion Programme in Naming Him for Borough President.

George McAneny was nominated for President of the Borough of Manhattan at the borough convention of the Republicans last evening at the Murray Hill Lyceum. This was in accordance with the fusion programme. The nomination was unanimous. Representative Bennett placed Mr. McAneny in nomination.

Mr. McAneny is the president of the City Club and is an independent Democrat. He was formerly president of the Civil Service board and was a member of the charter revision committee which framed the so-called Ives charter. He is a lawyer.

The convention was an hour late in getting started because of a conference which Chairman Parsons was having with the fusion nominating committee at the Fifth Avenue Building. At this conference it was agreed that the Republican should name four candidates without suggestion from the committee. Four Republicans were accordingly nominated at the convention. They were: Dr. L. B. Rogers, of 104 West 118th street; James E. Winterbottom, the undertaker; Dr. Hellenstein of 275 Seventh street and Herman Holzhauer, who is president of the White Stone Settlers' Union.

Ernest Lenox was the chairman of the convention. His mention of the name of Candidate Barnard brought a loud burst of cheers from the delegates.

HEARSTITES CONVENTION.

The City Gathering of Independence League Fixed for To-night.

The city convention of the Independence League is scheduled for to-night, but whether it will take place seems doubtful. Tammany has captured the organization, and it is expected that if the league attempts to nominate a ticket of its own to-night the Tammany delegates elected at a few rallies and who are in a majority will move for the endorsement of the ticket nominated last night at the Democratic city convention.

As a matter of fact the leaders of the league don't know just where they stand. Charles F. Rosen, chairman of the executive committee of the league, said yesterday that he did not know what would happen to-night. The inference was that the league was doubtful as to whether Tammany will take advantage of the trick by which they obtained control of the league and endorse the Tammany ticket or whether they will choose to ignore the organization.

The only definite information concerning the plans of the league came from William R. Hearst. He said yesterday that the league would surely have a ticket of its own in the field, even if it had to be nominated by petition. Another item was said by Mr. Hearst was that under no circumstances would he permit himself to be named as the league's candidate for Mayor.

JUDGE CULLEN TO GAYNOR.

Advises Him Not to Pay Any Attention to Jerome's Attack.

Chief Judge Edgar H. Cullen of the Court of Appeals called on Justice William J. Gaynor yesterday and advised Justice Gaynor to pay no attention to the attack made on him by District Attorney Jerome. In leaving Chief Justice Cullen said:

"I am conscious of many defects and shortcomings, but do hope that my life has been sufficiently studious, laborious and experienced, especially in matters of government, to make me ready. The government of New York city is a high and complex legal machine, with all sorts of necessary limitations and checks, and even the most fit could not enter upon it without misgivings and anxiety. It is not like a private business, in which one may do as he pleases, and every one who has ever gone into the office of Mayor with that crude notion has signally failed. The result has always been disorder and corruption, however honest the man."

SCHWAB TO USE TEXAS ORE.

Has Bought Six Trains and Has Made Shipping Arrangements.

AUSTIN, Tex., Sept. 30.—F. G. Pettibone, general manager of the Gulf division of the Santa Fe Railroad, to-day made application to the Railroad Commission for authority to establish a low export rate on iron ore from points on his line to Port Bolivar, Tex.

Mr. Pettibone said that a contract is being entered into between his road and Pennsylvania iron manufacturers for the shipment annually of not less than 1,000,000 tons of iron ore from the east Texas field to Pennsylvania for a period of fifty years by way of Port Bolivar and thence by water to the Bethlehem works. The contract, he said, would be signed if the commission would authorize a low export rate. The application was granted.

Charles M. Schwab and associates recently obtained control of about 50,000 acres of iron ore land in Cass county, and the shipments are to be made from there. It is estimated that the Schwab holdings aggregate 100,000 tons of ore. The Santa Fe will build an extension of forty miles from Longview to the ore fields. Shipments will begin about January 1.

Husband of 52 Year Old Woman Back in School.

NEW HAVEN, Sept. 30.—Charles R. Goddard of Hartford, the Yale law junior who married Mrs. Lucinda Treat, aged 72 years, in Hartford about three weeks ago, returned to New Haven to-day to take up his work in the law school. He will be allowed to continue with his class. Goddard was arrested for giving the wrong age of Mrs. Goddard when he took out the marriage license. He is now out on bond.

Mrs. Anita Hamilton Left \$125,000.

Mrs. Anita de la Barre Hamilton, who committed suicide by jumping from a window of her apartment at 57 West Fifty-eighth street on April 13 last and whose friends said she was the wife of a banker, left an estate of \$125,000, according to the transfer tax appraisal filed yesterday. She left her entire estate to her sisters, Mrs. Helen von Gerichten and Mrs. Annie P. Elder.

If Henry Hudson Had Waited

177 years he probably would not have sailed beyond the City of Hudson the home of

Evaluating the City

The venturesome explorer would have been content with that discovery

GAYNOR NAMED BY TAMMANY

Continued from First Page.

climates share the admiration for him held by the rest of the community."

Mr. Shepard then sketched Mr. Gaynor's public career, spoke of his work to secure personal liberty, and added:

"There is not, I fancy, a man who has taken an active part in public affairs in this city who has not been offended. Of this I can speak, for I am one of those who have been thus offended again and again. Much as he and I have agreed in fundamentals, we have many a time differed upon questions of public policy, and so long as we both live it is highly probable that we shall differ again. In that case I suspect he will talk plainly, and I hope to be a fairly good match in talking plainly."

Mr. Shepard closed:

"During the four years of his Mayorality we may look to see this Greater New York of ours, which during these Hudson-Pulton days is so wonderful, become still greater and more wonderful, and not only greater in wealth and numbers but a safer and better city, with her State of Liberty still more truly and widely enlightening the world."

Judge Gaynor's name was fairly well cheered, but there was a marked absence of anything like uproarious enthusiasm. Former Corporation Counsel John J. Delany, for Tammany, seconded Judge Gaynor's nomination. Queens, Richmond and the Bronx followed suit. Judge Gaynor's nomination was unanimous.

When the time came to nominate a Comptroller Senator Patrick Henry McCarran declared that Judge Gaynor had been nominated in response to an overwhelming demand from non-partisans and all; that Judge Gaynor's residence in Brooklyn was but an incident, but that Tammany in an effort to hog it all, to grab the Board of Estimate and Comptroller, had determined to nominate its Comptroller and President of the Board of Aldermen.

Mr. McCarran insisted that Herman A. Metz should be renominated as Comptroller.

Judge George F. Rosen of Manhattan nominated Robert E. Galvin for Mayor in Comptroller. He contended that no injustice would thus be accorded to Kings county inasmuch as when Edward M. Shepard was nominated to renominate Metz, the place of Comptroller and President of the Board of Aldermen were given to Manhattan.

Samuel A. Tuley, anti-McCarren, P. F. Lynch's man of the Twenty-third Assembly district of Brooklyn, seconded the nomination of Moore. Representative Fitzgerald supported McCarran in urging the renomination of Metz.

In the roll call Metz received 162 and Moore 90 votes from Brooklyn, and McCarran thereupon made Moore's nomination unanimous.

DEMOCRATIC CITY PLATFORM.

School Accommodation for All Children—Municipal Ownership.

The platform adopted last night has as its first plank a statement of the party's belief in home rule. It insists that the legislature confine its lawmaking to matters not strictly local in their nature and asks for a repeal of laws already passed which are confined in their application to this city.

The platform arraigns the Republican party and President Taft for their failure to home their promise of a dovetail tariff revision, and further declares for a tariff for revenue only.

The income tax is supported, and it is also declared that "in all governmental expenditures, national, State and municipal, a dollar's value shall be given to the people for every dollar which is expended."

The platform then appeals to all citizens of all parties, no matter whether they agree with the party's beliefs or not, to help secure the following:

1. Adequate school accommodation for all children of school age on full time to be provided at once.

2. Municipal ownership and control of public franchises and utilities.

The platform also declares in favor of building more subways and states that it is in favor of building of the subways by the city itself and of the complete separation of such building or any contract therefor from the leasing of subways for operation after completion.

The party pledges its candidate to the immediate building of needed subways. The platform then comes out for three things:

Retrenchment in the expenses of the city, the three platoon system for the police and the enforcement of the eight hour day with the prevailing rate of wages laws, the same to be enforced on all public work, whether done on contract or by the city itself.

"A parsimonious administration is not meant by the above statements, but," says the platform, "we do believe, however, that within the limits of taxation and use of the city credit, which is due regard for the taxpayers' interests impose, there should be an intelligent selection of expenditures."

Congressmen also made every effort will be made to secure a lower tax rate by "honest and economical appropriations with the view of eliminating any unnecessary items of expense that may be found."

The platform ends by calling on all citizens to vote for the party's candidate to the end that the city may take its proper place among the cities of the world to which it belongs.

SKETCHES OF THE NOMINEES.

Who the Democratic Candidates Are and What They Have Done.

William J. Gaynor was born on his father's farm in Whitesboro, Onondaga county, N. Y., in 1851. The first years of his life were spent in the work of the farm, at the same time attending the public school of Whitesboro. Early in his teens he gave up his school work for the work of the farm, where he remained until the close of the civil war. The young man then broke away from the farm entirely and went to Boston to study in preparation for teaching. After

a year of teaching he found the work distasteful and in 1875 he came to Brooklyn. During his spare time he studied law. For a time he became a reporter on the Argus in Brooklyn. He was a witness in the Beecher-Tilton case and later studied law in Utica, soon being admitted to the bar.

Gaynor became a general practitioner. He soon became interested in politics and also became identified with a certain phase of reform. In 1893 he opposed John Y. McKane and his forces and in one of the hottest election fights ever held across the bridge defeated McKane. This resulted in McKane being sent to prison.

Judge Gaynor has been on the bench for the last fifteen years. He has been repeatedly mentioned for mayor by the Governor, and in 1908 was prominently mentioned as a running mate for Bryan. He has also been known to the public in many ways. He was the Police Department method of treating persons under arrest. In 1905 he began a long series of attacks on Commissioner McAdoo, and his fight with Gen. Bingham over the arrest of a young man named Duffy in Brooklyn is of recent occurrence. It led to Gen. Bingham's dismissal.

Judge Gaynor has always called himself an independent Democrat. He had the offer of a nomination to the Mayoralty from the Democrats in 1896, but refused to run and soon after election was framed to the Appellate Division of the Supreme Court by Gov. Higgins. He was nominated and elected for the second time to the Supreme Court bench in 1902. In 1908 he was the well-known choice for Mayor, but again refused to run.

Robert R. Moore was president of the New Amsterdam National Bank from 1901 to the spring of 1906, when he resigned and was succeeded by Miles M. O'Brien. After leaving the Moore institution Mr. Moore assumed the presidency of the Commercial Trust Company, which he now holds.

John F. Galvin is the president of the Metal Stamping Company, this city, one of the largest manufacturers of carriage hardware in the United States. He is a native New Yorker, having been born in this city forty-nine years ago. He first attended the public schools and was afterward graduated from the College of St. Francis Xavier. His first employment was with the old Grocers Bank, afterward organizing his present firm.

Mr. Galvin is also the president of the Automatic Axle Company, Lancaster, Pa., and is a director of the Electro Metals, Ltd., Niagara Falls, and the American Tropical Hardware Company, of which he was formerly president. He is a member of the Merchants Association, the Chamber of Commerce, the Automobile Association and the Travellers Protective Association. He is also a trustee of the Chamber of Commerce of the Catholic Summer School.

Mr. Galvin was one of the organizers of the Independent Democracy, of which organization he was also president. He was one of the vice-presidents of the Democratic conference recently held at Saratoga to reorganize the party in this State.

NESHIT STILL IN JAIL.

Mrs. Thaw's Brother Suspected of Having Sold Bogus Diamonds.

NEW HAVEN, Sept. 30.—The case of Howard Nesbitt, 22 years old, brother of Evelyn Nesbitt Thaw of New York, who was arrested here yesterday afternoon as he was trying to pawn a diamond ring, came up in the police court to-day and was continued until Saturday morning by Judge Tynor.

Nesbitt is charged with idleness, but a more serious charge may be made against him.

In the lookup this afternoon he said: "There is absolutely nothing crooked in my transactions. The articles found on me were bought from a legitimate house named Stein & Kochberger of New York and were genuine goods. I did not pawn a ring, as I intended, because I was arrested before I had a chance."

"I arrived here yesterday and stopped at hotel where I was given a room. I intended to go in a few days to Boston in Bridgeport on August 26 this year a man who had sold worthless diamonds to jewelers in that city was arrested. When the case was called the man jumped the bonds, and the police are trying to connect Nesbitt with the case in Bridgeport. When arrested Nesbitt had on his person \$3.74 in cash, eight diamond rings and a dollar watch. He has a number of imitation diamonds, the police say. Asked why he gave the name of Roy E. Campbell when arrested, Nesbitt said he had been charged under that name since the Thaw trial."

Nesbitt was sent to the county jail pending the arrival of a bondsman.

BAY STATE DEMOCRATS.

Nominate a State Ticket Headed by Vahey and Foss.

BOSTON, Sept. 30.—The Democratic State convention, held in Faneuil Hall this afternoon, named James H. Vahey of Watertown for Governor. His running mate will be Eugene N. Foss, hitherto a prominent member of the Republican party and many times a candidate for the Lieutenant-Governorship nomination in that party on a reciprocity platform.

The resolutions favor direct nomination of Gov. Draper's veto of the eight hour law, condemnation of government by Westfield, Auditor, Alexis Byer of Southbridge, and for Attorney-General, Harvey N. Shepard of Boston.

Two Villages Quarantined to Prevent the Spread of Rabies.

UTICA, Sept. 30.—The village of Herkimer and the town of Herkimer were to-day placed under quarantine to prevent the spread of rabies which has been discovered in these places. The village of Trenton, Onondaga county, has also been ordered quarantined for the same reason. In Herkimer county over fifty dogs have been bitten by one affected with rabies, and in Trenton many head of cattle have been found suffering from that disease.

Smith & Gray -Clothes-

LOOKING BACK

To this notable week of history we might contribute a little of our own, for there's some sixty years of it.

We're going to wait, however, for our centennial, and let the fourth generation in control of this business tell you the full story of Smith & Gray influence on ready-made clothes.

Every day, however, we are demonstrating what that influence is. You will concede that we have given a new meaning to "ready-made."

Suits and Overcoats \$15 to \$45.

New York Fifth Ave. above 27th St. Broadway at Warren St.

Brooklyn Flatbush Ave. at Fulton St. Broadway at Bedford Ave.

Illustrated here is one of several models designed particularly for tender feet. It is a straight, trim-looking last, made in soft, easy-fitting kids, light calf-skins and patents.

\$5 to \$10

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152 BROADWAY, Singer Building.

342 BROADWAY, Corner Franklin.

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149 WEST 42d ST., Near Broadway.

Brooklyn, 510 Fulton Street.

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100 5th AVENUE NEW YORK

GEN. GRANT IN CHICAGO PARADE

Secretary Dickinson Says He Participated as an Individual Only.

WASHINGTON, Sept. 30.—Secretary of War Dickinson to-day wrote a letter to W. R. Michaelis of Chicago, who recently protested against the participation of Major-Gen. Frederick D. Grant, U. S. A., in a temperance parade at Chicago last Saturday, when Gen. Grant rode at the head of the procession in full uniform. Mr. Michaelis inquired whether or not the War Department sanctioned Gen. Grant's action. Secretary Dickinson's reply follows:

SIR: I have your letter of September 28, 1909, in which you state that on Saturday last Major-Gen. Frederick D. Grant in uniform marched at the head of a prohibition parade in the city of Chicago. I do not know the facts, but I have seen it stated that it was not a prohibition parade, but a temperance and a law enforcement parade.

You state that it has been rumored that the Federal Government and the army in general have taken sides with the prohibition movement. If the Federal Government has in any way taken part in any such movement I do not know it. What individual members of the army may feel about such movements I do not know. Each soldier and officer of the army has a right to determine that for himself.

I do know, however, and state that the army as an organization has taken no side and will have no right to take sides either for or against the prohibition movement. Gen. Grant participated in the parade as an individual and not as in any way representing the army or the War Department.



A Celebration Every Day

Someone once mentioned to Mr. George Francis Train, the modern philosopher, that Chicago was to be the seat of the next World's Fair. Quick as a flash, Train answered: "That's nothing. New York has a World's Fair every day."

No boy wants to miss the Children's Festivals to-morrow for any mere matter of clothes—either the buying or the lack of them.

So our three Boys' Stores, complete stores within our stores, will all be on tip-toe to-day to outfit quickly boys of all ages with everything they wear.

For men there's the same readiness.

Fall suits, shading up from plain blacks through neat black and white patterns and sober grays up to lively Scotch mixtures.

Fall overcoats in the same wide range of fabrics.

Derby hats, soft felt hats and cloth hats.

Shoes, including such specialties as the waterproof "Double" shoes.

"Star" negligé shirts—an entirely new stock for Fall.

Fall underwear in more materials than most men ever heard of, in all styles, including combination suits.

Liveries for menservants of every sort—private families, clubs and apartment houses.

ROGERS PEET & COMPANY,

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at Warren st. at 13th st. at 34th st.

BROKAW BROTHERS

ASTOR PLACE AND FOURTH AVENUE

New Yorkers who purchase their Suits and Overcoats from us buy with a real sense of security—a feeling of satisfaction which comes from the experiences gained by dealing with a house having back of it a half century's reputation for integrity.

Brokaw Brothers must be a safe place for strangers to buy, too.

Fall Suits and Overcoats now ready in more fabrics and patterns than the average man ever dreamt of.

All Kinds of Haberdashery.

ESTAB OVER HALF A CENTURY

Save the Children's Feet

Let them walk in the COWARD OSTEOPEDIC SHOE. In this shoe the child's foot meets the ground in correct position to balance the body. The shoe is perfect fitting, comfortable and pliant; strengthens the ankle muscles, and supports